REMARKS

After entering the above amendments, claims 1-9, 18-20 and 26 will be pending. Reconsideration and allowance of the current application are requested in light of the above-marked amendments and the foregoing remarks.

Summary of Rejections. The Office has rejected claims 1-9, 18-20 and 26 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 7,316,003 to Dulepet et al. (hereinafter "Dulepet").

Rejections under 35 USC §102

Claims 1-9, 18-20 and 26 stand rejected under 35 U.S.C. §102(e) as allegedly being anticipated by Dulepet. This rejection is respectfully traversed.

To present a valid anticipation rejection under 35 U.S.C. §102, the Office must identify a single prior art reference in which "each and every element as set forth in the claim is found, either expressly or inherently described." MPEP §2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

The hallmark of anticipation is prior invention, and in order to anticipate under 35 U.S.C. §102, the prior art reference must not only disclose all elements of the claim within the four corners of the document, but must also disclose those elements "arranged as in the claim." *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983). The rejection over Dulepet fails to satisfy these burdens with regards to the currently pending claims.

Dulepet is directed to a system and methods for developing a web page that comprises dynamically generated content. Examples given by Dulepet of "dynamically generated content" include:

For example, a weather-related web page may dynamically generate a localized weather forecast based upon a user's zip code, or a travel-related web page may dynamically

display, in a user's browser, a listing of available seats on a user-selected airline flight. (col. 1, lines 25-30)

This dynamically generated content is conventionally Java Scriptlets. Dulepet goes on to explain the perceived shortcoming of conventional web page editing tools:

Generally, a visual WYSIWYG-based web page editing tool does not identify, create, or maintain associations or relationships between page content elements displayed in the editor, dynamic source code elements (e.g., JSP elements) underlying the displayed content elements, and corresponding page content dynamically generated by a JSP-enabled server. Therefore, when developing a web page comprising dynamic content, a page developer must often create or edit web source code using a text-based editor or source code type editor.

Unfortunately, when developing a dynamic web page, a text-based editing tool may require a developer to be intimately familiar with the language structure, syntax and formatting rules of several web page languages and technologies (e.g., HTML, Java, JSP). Further, in order to view changes made to the source code, a developer may be required to manually spawn a browser or similar viewer.

Because text-based web page editing tools can be cumbersome to use, and do not allow a developer to directly manipulate or view dynamically generated page content in a WYSIWYG view as a web page is being created or edited, there is a need in the art for a system and method for developing a web page comprising dynamically generated content. There is also a need for a system and method for maintaining and continually updating an in-memory representation, or model, of a dynamic web page. (col. 2, lines 25-50).

First, Dulepet fails to disclose each and every element as set forth in the claims. In particular to each of the independent claims 1, 6, 18 and 26, Dulepet fails to teach or suggest the claimed features of the operation of the design-time translator and the run-time translator. Specifically, Dulepet fails to teach or suggest the recited limitations of:

"during design-time for a page, invoking the design-time translator for a page template including the defined page element having content components, said design-time invoking resulting in the defined page element in the page template being translated into a design-time representation of the content components in the page, the design-time representation

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being rendered in accordance with a predefined layout of a container for the content components, the page template being available to a plurality of remote users of a portal, the content components including a first content component and a second content component, the first content component configured as static content with a run-time behavior determinable at design-time, and the second component configured as dynamic content with a run-time behavior not determinable at run-time, such that at design-time a tag is used to represent the dynamic content on the page rendered at design-time."

Dulepet describes the design time engine as implemented in a system for facilitating development of a dynamic web page, as shown primarily in FIG. 6. As described by Dulepet, a system employing the design time engine "may allow a developer to develop a dynamic web page *while a JSP container and/or an application database server is unavailable.*" col. 12, lines 62-64, emphasis added. Dulepet describes the design time engine as only generating "information or characteristics related to placeholders or other representative items comprising design time components." col. 12, lines 15-17. These include "icons, empty tables, placeholders or other page content elements representative of dynamically generated content that might be produced by a JSP container." col. 12, lines 11-14. Accordingly, the design-time engine described by Dulepet fails to suggest a design time representation made up of content components that includes a second component configured as dynamic content. Dulepet teaches only placeholders or other representative items as a reference to possible dynamic component, and which may be determined from properties of custom tag libraries imported or entered into the editor (i.e. a tag itself is not used by Dulepet, as recited in the present claims). Further, Dulepet teaches very explicitly that access to the JSP container, which contains the dynamic content, is not available from the design time engine.

Second, Dulepet fails to disclose the claimed elements arranged as in the claim.

The Office has not shown where Dulepet teaches other recited elements, arranged as in the claim. For instance, Dulepet fails to teach or suggest the feature of "the page template being available to a plurality of remote users of a portal."

The Office also asserts that Dulepet describes where the recited "second component configured as dynamic content is determined and obtained in parallel, at run-time using threading, with other dynamic content stored in blocks without ordering in a content storage medium to render the dynamic content of the second component rather than the tag used during design time." The section of Dulepet cited by the Office describes a controller *deploying* web page source code to a single JSP container or to multiple JSP containers. This feature of Dulepet has no relevance to, and therefore does not teach, the claimed limitation of determining and obtaining in parallel, at run-time using threading, the second component configured as dynamic content. Accordingly, independent claims 1, 6, 18 and 26are not anticipated by Dulepet. Claims 2-5, 7-9 and 19-20 are allowable at least for their dependence on an allowable base claim.

For at least these reasons, withdrawal of the pending rejection under 35 U.S.C. §102 and a notice of allowance of the pending claims is respectfully requested.
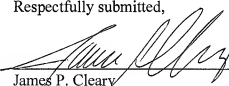
CONCLUSION

It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

Applicant is concurrently filing herewith a Petition for a one-month extension of time with the requisite fee. No additional fees are believed to be due, however the Commissioner is authorized to charge any additional fees or credit overpayments to Deposit Account No. 50-0311, reference No. 34874-020/2003P00061US. If there are any questions regarding this reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Date: <u>September 14, 2009</u>

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